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OFFICE OF PETITIONS

In re Application of   :
Hoa Thien Dang, et. al.   :
Application No. 10/557,284   :   DECISION GRANTING
Filed: November 18, 2005   :   PETITION
Attorney Docket No. ESSR:087US   :

This is a decision on the petition filed on January 26, 2007, requesting that the above-identified application be accorded a later filing date of November 18, 2005, rather than the presently accorded date of November 17, 2005.

Petitioner requests the later filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on November 18, 2005, pursuant to 37 CFR 1.10. While the copy of the Express Mail label receipt No. EV674812728US bears a handwritten "date-in" of November 17, 2005, it also includes a USPS receipt date stamp of November 18, 2005. Petitioner is alleging that the date of mailing shown in the "date-in" is a U. S. Postal Service error and the correct date of mailing pursuant to 37 CFR 1.10 is November 18, 2005. The same Express Mail number appears on the original transmittal papers found in the application file.

The evidence presented is convincing that the Express Mail package was entrusted to the USPS on November 18, 2005, as shown by the USPS stamped receipt date. Accordingly, this application is entitled to a filing date of November 18, 2005, and has been so accorded.

In view of the above, the petition is **GRANTED**.

This application file is being referred to the Office of Initial Patent Examination (OIPE) for **correction of the filing date to November 18, 2005 and for issuance of a corrected filing receipt**.

Telephone inquiries relating to this decision should be directed to Andrea Smith at (571) 272-3226. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

Frances Hicks
Petitions Examiner
Office of Petitions